

### **REMARKS**

Claims 1-16 are pending in the above-identified application. Claim 1 has been amended as suggested by the Examiner in the Office Action as explained below.

#### **Unity of Invention Issues**

The Unity of Invention Requirement has been made “final” as indicated at page 2 of the Office Action of November 13, 2009. Applicant respectfully maintains a traversal of this Requirement for the reasons indicated in the Response filed July 22, 2009, which reasons are deemed repeated herein.

#### **Specification Format and Claim Objection**

The Office Action has suggested that the arrangement of the Specification include various sub-headings. Also, claim 1 has been objected to as it is suggested that the phrase “compound of formula I” be used in place of the present language. The specification has been amended so as to include the sub-headings. Claim 1 has been amended so as to include the suggested revised language. Consequently, it is submitted that the objections to the Specification and claim 1 be withdrawn.

#### **Double Patenting Issues**

Claims 1-9 and 14 (the elected claims) have been provisionally rejected on the ground of “nonstatutory anticipatory-type” double patenting as being unpatentable over claim 1 of US Patent Application Nos. (1) 10/484,250; (2) 10/590,368; (3) 10/589,876; and (4) 10/589,953. The Examiner states that claim 1 of each of these other co-pending applications embrace claims 1-9 and 14 of the present application.

The above double patenting rejection is respectfully traversed. Applicant respectfully requests that the Examiner withdraw this provisional rejection so that the present application may proceed to grant as a patent. Assuming that the other co-pending applications have not yet been placed into condition for allowance, it is submitted that the Examiner should allow the


present application to proceed to allowance under MPEP 822.01 (Rev. 5, August 2000, page 800-71). Thus, it is requested that the above double patenting rejection be withdrawn.

It is submitted that the outstanding issues for the present application have been resolved such that this application may now be placed into condition for allowance. If the Examiner has any questions about the above matters, please contact Applicants' representative Andrew D. Meikle, Reg. No. 32,868, at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: February 16, 2010  
(Tuesday after federal holiday)

Respectfully submitted,

By   
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